IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Civil Application Stamp No. 11264/07 and 11263/07 in F.A.No. 88 of 1991.

(Birchand s/o Melaram Sharma and another .vs. Smt. Parvatibai wd/o Shivprasad Jaiswal and others.)

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's Orders.**

CORAM : **A.P. Lavande & R.V.More,JJ**
DATE : 17.7.2007

These applications are not on board. However, connected First Appeal No. 2/91 is being heard. Therefore, we permitted circulation of these applications and accordingly the applications are taken up for hearing.

2. Heard Mr. Bapat, learned counsel for the applicants/ appellants and Mr. Saoji, learned counsel for respondents 1 to 6. Respondents 7,8 and 9 have expired.

3. By these applications the appellants seek condonation of delay of 150 days in filing restoration application and also recall of the order dated 12.1.2007 passed by the Additional Registrar (J) by which First Appeal No. 88/91 was dismissed.

4. Having heard the learned counsel for the parties and having considered the rival contentions we are inclined to allow both these applications subject to costs.

Accordingly, delay of 150 days in filing restoration application is condoned. The order dated 12.1.2007 is recalled and First Appeal No. 88/91 is restored subject to payment of costs of Rs. 2500/-. Costs be deposited in this court within a period of four weeks with liberty to respondents 1 to 6 to withdraw the same.

The applications stand disposed of.

Judge **Judge**

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